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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,970	10/14/2003	Kevin L. Parsons	90054	9957

24628 7590 01/04/2007
WELSH & KATZ, LTD
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CHICAGO, IL 60606

EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/684,970

Applicant(s)

PARSONS, KEVIN L.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7-9 14, 15 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,106,398 to Gowdey. Gowdey discloses a police baton (10) having end caps, the baton having a handle portion (12) defining a longitudinal axis of the police baton and adapted to be grasped by a user, the handle portion having a proximal end and an opposite distal end, where the end caps comprise;

a unitary body (18, 19) defining a longitudinal axis and having an enlarged knob end (20, 21); the unitary body having an opposite integral longitudinally extending generally cylindrical end (14, 15) defining an external surface diameter substantially the same as the handle portion of the police baton and adapted for attaching the caps to the baton at the proximal and distal ends of the police baton in substantially axial alignment therewith, and the unitary body further having a reduced diameter circumferential groove (16, 17) of generally U-shaped concave profile intermediate, integral and contiguous to the enlarged knob end and the cylindrical end, the circumferential groove having a minor transverse cross-sectional area (19) substantially less than the cross-sectional area of the cylindrical end of the unitary body which may receive a finger of a user in wrapped relation about the circumferential groove so that the finger may be captured between the enlarged knob end and the cylindrical end, further the end caps have a longitudinal

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length such that another finger can grip the proximal end of the handle portion of the police baton such that the police baton can be held firmly adjacent the proximal end with the end caps creating an increased leveraged moment arm fulcrum at the circumferential groove.

As to claims 2 and 9, the enlarged knob end is generally hemispheric in shape.

As to claims 7 and 14, the enlarged knob end defines a modification as seen in figure 6, such that modified enlarged end defines an outer surface means for holding an embossed pattern.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowdey in view of USPN 83,228 to Warne. Gowdey discloses that the enlarged knob end are generally hemispheric in shape having an exposed end surface in the form of a sharp point and not a flattened surface as claimed. Gowdey teaches a policeman's extendable baton having a unitary handle body (D) defining an enlarged knob end (f') and an intermediate U-shaped concave profile (f) adjacent the enlarged knob end. Below the intermediate U-shaped concave profile is a distal cylindrical end (b') having an outer diameter substantially the same as the shaft section (A) of the extendable baton. As seen in figure 3, the enlarged knob end is hemispherical in shape and defines a flattened exposed end surface at (e'). The end surface affords a dual purpose of connection of the handle body to the telescoping baton section and an ornamental

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shaped knob end having a flattened outer surface that is easily held by a user without damage to the user or other police equipment during movement or retained positions.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the at least one end cap of the police baton of Gowdey to incorporate the handle body of the extendable baton of Warne to provide an enhanced police weapon having an manipulating end that is easily held by a user without damage to the user or other police equipment during movement or retained positions.

Claims 5, 6, 12, 13, 16, 18, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowdey in view of USPN 5,919,093 to Parsons. Gowdey discloses all of the limitations of the above claims except, Gowdey does not specifically disclose that the unitary body has a first end or a cylindrical end opposite the enlarged knob end that is releasably engaged with a peripheral thread on a proximal end of the handle portion of the baton as set forth in claim 18 or a first end including means for releasably securing to the proximal end of the baton by threaded connection as set forth in claims 20 and 21. Parsons teaches an end cap (23) releasably connectable to an expandable baton (10) defining a longitudinal axis having opposing ends (14, 16). One end or the proximal end of the expandable baton includes external threads (21), which releasably coincide with internal threads (Fig. 3) of the end cap. The releasable threaded expandable baton allows for various end caps to be interchanged with the baton affording various tactile grip ends and/or baton covers having a range of different dimensions and material construction.

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Thus, a user may interchange the end caps depending upon the desired application of the baton affording an easily assembled and disassembled baton with little effort as well as affording a cover that is prevented from coming loose during multiple operation positions of the baton. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the police baton of Gowdey to incorporate the releasable end caps as taught by Parsons to provide an enhanced police baton providing interchangeable ends affording various tactile grip end sections and securement means for other working parts of the baton which are prevented from looseness and consequently avoiding damage during multiple operating positions of the baton.

Response to Applicant's Arguments

In response to applicant's necessity to amend the claims and applicant's remarks on pages 8-12, including an affidavit of applicant's invention submitted on October 10, 2006, #3,106,398 to Gowdey has been applied to more clearly point out the structure of an end cap. Gowdey and Gowdey in view of newly discovered reference #83,228 to Warne has been applied in combination in this Action and Gowdey in view of Parsons have been combined to disclose or suggest obvious variants of design of the end cap claimed as set forth in this Action. The previous prior art rejection in view of Hustad and Ashihara is respectfully withdrawn and replaced by the rejection over the newly applied references stated above. Accordingly, claims are found to be unpatentable over Gowdey. Claims are found to be unpatentable over Gowdey in view of Warne and claims are found to be unpatentable over Gowdey in view of Parsons.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER